

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 13, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Wasserman called the meeting to order.
- b. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- c. Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.
- * **b. Approval of Minutes – None.**
- * **c. Mayor Wasserman opened consideration of a Resolution to Approve City of Fremont Park Standard Details (PSD) for Park Development and Public Works Contracts (PWC) and New Landscape Standard Details (LSD) for Improvements Within the Public Right-of-Way**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the new City of Fremont Park Standard Details (PSD) for Park and City Facility Development and Public Works Contracts (PWC).
2. Adopted Resolution No. 2011-65 approving the new City of Fremont Park Standard Details (PSD).
3. Authorized the Community Services Director and Senior Landscape Architect to, jointly, make minor modifications, clarifications and revisions to the Parks Standard Details (PSD) as needed.
4. Approved the new and deleted City Landscape Standard Details (LSD) for Park and City Facility Development and Public Works Contracts (PWC), and find that they are consistent with existing Resolution No. 2006-31.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None

*Consent Items

Absent: None
Abstain: None

*** d. Mayor Wasserman opened consideration to Consideration of the Development Impact Fee Annual Report for Fiscal Year 2010/11**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council accepted the Development Impact Fee Annual Report for Fiscal Year 2010/11.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** e. Mayor Wasserman opened consideration to Authorize the City Manager or His Designee to Execute an Ingress and Egress License Agreement with Sunhill Enterprises, LP for a Driveway Aisle on City Property Located at 39155 State Street.**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to execute an ingress and egress license agreement with Sunhill Enterprises, LP for a driveway aisle on City property located at 39155 State Street.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** f. Mayor Wasserman opened consideration to Authorize City Manager to Execute a Contract with Garavaglia Architecture, Inc., in an Amount of \$99,676 for Design and Engineering Services on Patterson House Rehabilitation (City Project No. PWC 8766)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager to execute a contract with Garavaglia Architecture, Inc., for design and engineering services in an amount not to exceed \$99,676.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * g. **Mayor Wasserman opened consideration of Approval of Public Safety Capital Projects (Fire Bond Program, Fire Station 11, and Police Seismic Retrofit) Funding Reallocation, Budget Clean-up, and Appropriations**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved appropriation transfers of \$79,000 of Fire Safety bond proceeds, as listed in the above table, close projects PWC8549 and PWC7838, and appropriate \$79,000 to Fire Station No. 3 in Irvington, PWC 8552.

Ayes:	Mayor Wasserman , Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * h. **Mayor Wasserman opened consideration to Adopt a Resolution Authorizing the Submittal of a Grant Application to the San Francisco Foundation to be Used for Senior Support Activities of the Tri-City Elder Coalition and Authorizing the Execution of the Grant Agreement**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2011-66 authorizing the City Manager or designee to submit a grant application to the San Francisco Foundation in the amount of \$30,000 for senior support activities of the Tri-City Elder Coalition, and to execute the grant agreement and any implementing documents.

Ayes:	Mayor Wasserman , Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

- a. **Oral and Written Communications – None.**

5. SCHEDULED ITEMS

- a. **Mayor Wasserman opened consideration of Continuation of a Public Hearing on December 6, 2011 to Consider Adoption of the City of Fremont General Plan Update and Certification of the Final EIR. (PLN2005-00190)**

Community Development Deputy Director Dan Schoenholz and Planner Kelly Diekmann provided a Power Point presentation. Councilmember Chan recused herself from the discussion on Transit Oriented Development (TOD).

Issue 1: Transit Oriented Development Designation

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved:

Issue 1: Transit Oriented Development Designation

- New General Plan overlay designation
- Allows additional density / intensity within ½ mile of transit stations to encourage transit-oriented development
- Four areas: Fremont BART Station, future Irvington and South Fremont/ Warm Springs BART Stations, Centerville ACE station
- Separate Council vote required on this matter to avoid Conflict of Interest

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: None
Abstain: Councilmember Chan

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council approved:

Issue 2: Historical Architectural Review Board (HARB) Recommendation

- Implementation 4-6.1.A: Demolition, Alteration or Relocation of Historic Resources
- Current City policy is that any building 50+ years old requires evaluation to determine if it is a potential historic resource
- Change proposed in GP would make “1955” the threshold and limit number of structures requiring evaluations
- HARB has recommended keeping the 50-year threshold and establishing a “mid-century context report” that would set criteria for evaluating future proposals.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

Mayor Wasserman opened public hearing. Assemblymember Bob Wieckowski spoke in support of the General Plan. Mark Robson encouraged Council to evaluate the Riparian Corridor Policy and would like the evaluation based on the science, and biology, and the quality of the resource. There were no other speakers at this time. Mr. Schoenholz continued with presentation. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved:

Issue 3: Planning Commission Recommendations

Adopt General Plan with several edits:

- Seek funding to prepare a transit plan
- Acknowledge continued need for road improvements
- Reference wheelchairs/ walkers in special needs transportation discussion
- Include high-end retail and fine dining restaurants in retail recruitment strategy
- Collaboration with schools (vs “coordination”)
- Place schools ahead of waste management in Chapter 9
- *Sense of the Commission* statement from the Planning Commission regarding an alternative vision:

Fremont will serve as a national model of how to achieve sustainability in both preserving its suburban identity while transitioning to a strategically urban, modern City.

- Kimber Study Area verbiage
- Minor clarifications proposed by staff
 - Eliminate Implementation 7-9.2.E (already covered by CAP)
 - Supplemental language on future monitoring of GHG emissions
 - Edit in response to Rec Commission comment

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

Mayor Wasserman opened public comment period. Nick Petredis, Roger Shanks and Steve Saray (representing Bella Vina) thanked Council for giving the development team the opportunity to work with the community in the Kimber Area. Christina Broadwin Sunil Dhar and Laird Matthews (representing Save Kimber Park) expressed a variety of concerns regarding development the Kimber Park area. There were no other speakers. Mayor closed public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved Green Sheet recommendations to the Kimber Study Area, including Exhibit A to Resolution Adopting the 2035 General Plan, included in the Green Sheet.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmember Harrison
Noes: Councilmember Dutra
Absent: None
Abstain: Councilmember Chan

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved the Parks and Recreation Element.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved additional considerations to the General Plan.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

The City Council adopted Resolution No. 2011-67 certifying the Environmental Impact Report (EIR) for the General Plan Update, adopted Resolution No. 2011-68 making the required findings and Statement of Overriding Considerations for the General Plan Update, and adopting the Mitigation Monitoring Reporting Program (MMRP), and adopted Resolution No. 2011-69 formally adopting the General Plan Update with changes recommended by staff (and any changes Council wishes to include that were recommended by Boards and Commissions).

- b. Mayor Wasserman opened consideration of a Public Hearing (Published Notice; Display Ad) to Waive First Reading and Introduce an Ordinance to Consider Planning Commission Recommendation to Approve a Zoning Text Amendment to FMC Title VIII, Chapter 2, Article 20, Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts, to Allow Reductions in Required Parking for Affordable, Senior, and TOD Housing, as well as Reorganize the Section for Ease of Use**

Community Development Director Jeff Schwob provided an overview. Staff responded to questions from Councilmember. Councilmember Chan recused herself from this item.

On a motion by Councilmember Dutra, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found that the proposed Zoning Text Amendment (PLN2010-00139) is exempt from the California Environmental Quality Act (CEQA) under Guideline 15061(B)(3), because reduction in the number of required resident parking spaces does not have the potential to create a significant environmental impact.
3. Found the proposed Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the policies and actions set forth in the General Plan's Housing Element as enumerated within the staff report.

4. Found the public necessity, convenience, and general welfare require the adoption of this Zoning Text Amendment because it removes constraints to construct housing by targeted needs groups Citywide.
5. Waived full reading and introduced an ordinance, as amended, approving the proposed Zoning Text Amendment (PLN2010-00139).

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: None
Abstain: Councilmember Chan

c. Mayor Wasserman opened consideration of Re-authorization of the Clean Technology Business Tax Exemption

Economic Development Manager Christina Briggs, along with Economic Development Director Kelly Kline, provided an overview. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council directed staff to draft an ordinance temporarily exempting clean technology firms from application of the Business License Tax through December 31, 2016; and to research and report back regarding the viability of offering a similar exemption to qualified biotechnology companies.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

d. Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Resolution to Collect Development Fees at 50% of their Full Amounts in the Midtown District, 75% of their Full Amounts in the Central Business District and 90% of their Full Amounts Elsewhere in the City until December 31, 2012

Community Development Director Jeff Schwob provided an overview. There was a brief question and answer period.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Found that this action is exempt from the California Environmental Quality Act in accordance with Guideline 15273, Rate Restructuring or Modification, and because a temporary reduction in fees collected is not associated with potentially significant effects upon the environment.

2. Adopted Resolution No. 2011-70 to continue to collect Development Impact Fees at 50% of their full amounts in the Midtown District, 75% of their full amounts in the area formerly known as the Central Business District and 90% elsewhere in the City until December 31, 2012.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

e. Mayor Wasserman opened consideration of a Public Hearing (Published Notice) To Consider a City-Initiated Special Study Concerning the Review and Approval Process for Large Family Day care Facilities

Associate Planner Amy Rakley will have a brief verbal presentation. Mayor Wasserman opened public comment period. Pat Snow spoke in opposition to staff's recommendation. Mayor Wasserman read a note from Ellen Dektar, representing Alameda County Child Care Planning Council, who had to leave, but they support the staff recommendation. There were no other speakers. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Directed staff to prepare an ordinance modifying the City's current permit process to establish large family day care facilities as accessory permitted uses in all residentially-zoned districts.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: Councilmember Dutra
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

a. Council Referrals – None.

b. Oral Reports on Meetings and Events

Councilmember Harrison and Vice Mayor Natarajan reported on their Washington, D.C. trip.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:40 p.m. in Memory of former Councilmember and Mayor Geoff Steel.

Attest:

Approved:

Susan Gauthier, City Clerk

ANU NATARAJAN, Vice Mayor